

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C.-Atlanta

MAY 26 2006

LUTHER D. THOMAS, Clerk  
By: *JPuckey*  
Deputy Clerk

JANET HILL,

Plaintiff,

v.

PHOENIX LIFE INSURANCE CO., f/k/a  
PHOENIX HOME LIFE MUTUAL LIFE  
INSURANCE CO., HENDERSON  
GLOBAL INVESTORS, (NORTH  
AMERICA), INC. d/b/a STONEMILL  
APARTMENTS and ZOM RESIDENTIAL  
SERVICES, INC. d/b/a STONEMILL  
APARTMENTS,

Defendants.

CIVIL ACTION FILE

NO. **06 CV 1284**

**JEC**

**NOTICE OF REMOVAL**

DEFENDANTS PHOENIX LIFE INSURANCE CO., HENDERSON  
GLOBAL INVESTORS, (NORTH AMERICA) INC., and ZOM  
RESIDENTIAL SERVICES, INC. file this Notice of Removal pursuant to  
28 U.S.C. §§ 1441 and 1446. In support of this Notice of Removal,  
Defendants state as follows:

1. On or about April 24, 2006, Plaintiff Janet Hill ("Plaintiff")  
filed a Complaint against the Defendants in the Superior Court of Fulton  
County, Georgia ("Fulton County Superior Court"). Without admitting

service of process was proper, the Defendants acknowledge they received copies of the Summons and Complaint after the Complaint was filed. True and correct copies of the Summons, Complaint, the Defendants' Answers, as well as other process documents received by the Defendants, are attached hereto as Exhibit "A."

2. Removal from the Fulton County Superior Court to this Court is proper pursuant to 28 U.S.C. § 1441(a). This Court has removal jurisdiction because it would have original jurisdiction over this action, pursuant to 28 U.S.C. § 1332(a)(1). Specifically, this is a civil action where (i) the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs (See Plaintiff's Complaint (attached hereto as part of Exhibit "A"), ¶¶ 15 and 16 where it is alleged Plaintiff suffered serious and disabling personal injuries, including a fracture to her left fifth metatarsal, which injuries have required medical treatment and will continue to cause medical expenses to be incurred in the future), and (ii) complete diversity of citizenship exists between Plaintiff and the Defendants (See Plaintiff's Complaint (attached hereto as part of Exhibit "A"), ¶ 1 showing Plaintiff is a Tennessee resident and ¶¶ 2, 4, and 7 showing the Defendants are not residents of Tennessee or Georgia.

3. Written notice of the filing of this Notice of Removal will be given promptly to Plaintiff and, together with a copy of the Notice of Removal, will be filed with the clerk of the Superior Court of Fulton County, State of Georgia, as provided by 28 U.S.C. § 1446(d). [See Exhibit "B".]

4. All Defendants consent to the removal of this case from the Superior Court of Fulton County to the United States District Court, Northern District of Georgia.

**WHEREFORE**, Defendants pray that the above action now pending against it in the Superior Court of Fulton County, State of Georgia be removed therefrom to this Court.

This 26<sup>th</sup> day of May 2006.

SWIFT, CURRIE, McGHEE & HIERS, LLP

By:



BRADLEY S. WOLFF

Georgia State Bar No. 773388

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